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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/553,011	04/20/2000	Paul Entwistle	00164	4311
7590	07/13/2004		EXAMINER	
Paul H Johnson Head Johnson & Kachigian 228 West 17th Place Tulsa, OK 74119			ARANI, TAGHI T	
			ART UNIT	PAPER NUMBER
			2131	
DATE MAILED: 07/13/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/553,011	ENTWISTLE, PAUL <i>[Signature]</i>	
	Examiner	Art Unit	
	Taghi T. Arani	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 April 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 6-8 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 6-8, 10-12 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
- 5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

DETAILED ACTION

Claims 6-8, 10-12 are pending for examination.

Claims 6, 8, 10-12 are amended.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-8 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over prior art of record, U.S. Patent No. 5,619,571 to Sandstrom et al. in view of U.S. Patent No..5,805,706 to Davis.

Referring to claim 6, Sandstrom et al. teach a method of generating a database index of the location of specified features of video, audio and/or auxiliary data material relating to a broadcast program held in a memory device [see Figure 2, IMAGE FILE DIRECTORY, 54], said material received by a broadcast data receiver from a remote location [see Figure 1, remote computer, 40] , the method comprises the steps of:

parsing the data material to generate a plurality of location identifiers for respective portions of the data material [see Figure 2, Segment, 68 and Pointer, 66];
storing the said location identifiers in a database [see column 5, lines 43-44]; and

locally encrypting said material prior to storage in said memory device [see column 6, lines 64-67].

Sandstrom et al. do not teach a method of receiving said material by a broadcast in an encrypted and also do not teach decrypting the received data material after receipt by the broadcast data receiver.

However, Davis does disclose a method of receiving said material by a broadcast in an encrypted and so also discloses decrypting the received data material after receipt by the broadcast data receiver [see Figure 2a, see also Fig. 4].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the cryptographic device of Davis to the system and method of Sandstrom et al., such that Sandstrom et al's system would include the cryptographic device within the processing unit to receive broadcast material in an encrypted format and then decrypt the received data. One would have been motivated to modify Sandstrom et al.'s method as such in order to provide the broadcast material with a higher level of security during transmission over insecure lines and the ability to decrypt the data so that the processing unit can manipulate the data as it sees fit, col. 1, lines 31-45 [Davis].

Referring to claim 7, Sandstrom et al as modified teach a method according to claim 6 wherein the memory device and a processing apparatus for performing the method are located in said broadcast data receiver [see Figure 1, 22 and column 3, lines 1-4 and 10].

In light of the specification claim 8 is rejected over Sandstrom et al. as modified. Sandstrom et al. as modified teach a method according to claim 7 wherein the program

material received is in an encoded digital format and said broadcast data includes a system for decoding the received data [see Figure 2a of Davis] including the step of generating an audio display via a speaker or speakers [column 8, line 3-4].

One of ordinary skill would understand that the computer 10 of Sandstrom et al. includes speaker or speakers to allow for an alarm to sound [column 8, lines 3-4].

Referring to claim 10, Sandstrom et al as modified teach a method according to claim 6 in which said step of processing said material to generate a number of location identifiers includes de-scrambling the material [see Figure 2a and column 2, lines 64-67 of Davis].

Referring to claim 11, Sandstrom et al. as modified teach a method according to claim 6 in which said step of processing said material to generate a number of location identifiers includes decrypting the material [see Figure 2a and column 2, lines 64-67 of Davis].

Referring to claim 12, Sandstrom-et al. as modified teach a method according to claim 6 in which said step of processing said material to generate a number of location identifiers [Pointer, 66, column 5, lines 43-44] includes data stream parsing the material [see Figure 2, Segment, 68].

Response to Amendment

Applicant's arguments filed on 4/14/204 regarding the rejection of the claims 6-8, 10-12 under 35 U.S.C. 103() have been fully considered but they are not persuasive.

As per Applicant's arguments relating to the rejection of claim 6, the Applicant argues that " Sandstrom et al. patent does not include the steps of receiving the video and/or audio data material nor does it include the step of decrypting of the data material.", page 11 last paragraph through page 12 first paragraph, and that "[T]he '706 patent to Davis discloses decryption of received data but is concerned with a particular form of cryptographic device. The Davis '706 patent does not suggest that any further processing of the data should be performed following the decryption, as in Applicant's invention nor does it suggest that the general concept of decryption could in any way be adopted by the skilled person.".

The Examiner responds Davis's cryptographic device[140] receives encrypted input information from a device coupled to the I/O bus, such as the mass storage device or the information transceiver device, col. 5, lines 6-20, emphasis added. The information transceiver device of Davis constitutes the claimed receiver (i.e. receiving the data material and/or a broadcast data receiver).

Davis further teach decrypting of the data material received , see col. 5, lines 21-31.

The Examiner acknowledges the deficiencies of Sandstrom et al. patent for not teaching "a method of receiving .. material in an encrypted" form and not teaching "decrypting the received data material after receipt by the broadcast data receiver". The Davis's cryptographic device is used in a 103 type rejection to compensate for the deficiencies of Sandstrom et al. processing unit.

Action is Final

THIS ACTION IS FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

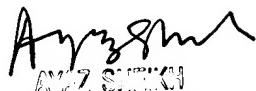
Any inquiry concerning this communication or earlier communications from examiner should be directed to Taghi Arani, whose telephone number is (703) 305-4274. The examiner can normally be reached Monday through Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh, can be reached at (703) 305-9648. The Fax numbers for the organization where this application is assigned is:

(703) 872-9306

Taghi Arani

Patent Examiner


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100